

RECEIVED**UNITED STATES DISTRICT COURT**

SEP 30 2021

for the

Eastern District of Missouri

BY MAIL

Division

CHARNEE ANDERSON

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CARVANA

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	CHARNEE ANDERSON
Street Address	920 KINGSBROOK LN
City and County	FLORISSANT (ST. LOUIS COUNTY)
State and Zip Code	MISSOURI 63031
Telephone Number	314-398-7971
E-mail Address	NALISEB@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	<u>CARVANA</u>
Job or Title (<i>if known</i>)	
Street Address	<u>1930 W Rio Salado Pkwy</u>
City and County	<u>Tempe</u>
State and Zip Code	<u>AZ 85281</u>
Telephone Number	<u>800-333-4554</u>
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

TRUTH IN LENDING ACT 15 U.S. CODE § 1601-1666
FAIR DEBT COLLECTION PRACTICE ACT 15 U.S. CODE § 1692a-k

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$115,636.78

Pursuant to 15 U.S. Code § 1640(a) (2) (A) (i), in the case of an individual action twice the amount of any finance charge in connection with the transaction. In this case the finance charge should have been \$44,318.39 (not including the Auto insurance premium). This claim is what

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

The events giving rise to the claim occurred online when CHARNEE ANDERSON applied for credit to purchase a 2020 Hyundai Santa Fe from CARVANA.

B. What date and approximate time did the events giving rise to your claim(s) occur?

The credit application was completed online on June 5, 2021 but the contract did not become active until June 08, 2021

C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

On June 5, 2021 CHARNEE ANDERSON went online to carvana.com to apply for credit to purchase a vehicle. Upon approval, CHARNEE ANDERSON was notified that there will be a down payment of \$400 and additional income information was needed. Once they received all information and down payment the vehicle was scheduled to be delivered on June 8, 2021. After further reviewing the "retail installment contract" it was found that the finance charge was not properly used and that the entire "contract" was is fraud.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

I have suffered financially and emotionally due to the events that has taken place. Being led to believe that i must pay \$610 per month for a car payment and an additional \$180 for auto insurance has cause a major strain on my financial stability.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

There has been several violations pertaining to the finance charge. The finance charge on the contact was not the sum of all charges and did not include the auto insurance premium. Carvana, willfully and knowingly furnished false and deceptive forms. Carvana did not include the right of recession that is required when a purchase takes place in a consumer credit trans action. Carvana took a down payment that is not legal in a consumer credit transaction. With all the violation from the "Retail Installment contract" and the filling of this case, CARVANA is liable for \$115,636.78 in damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/21/2021

Signature of Plaintiff



Printed Name of Plaintiff

Charnee Anderson

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address
